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Via ECF and E-mail (Torres_NYSDChambers@nysd.uscourts.gov)

May 15, 2018

The Hon. Analisa Torres
U.S. District Judge, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
Courtroom 15D
500 Pearl Street
New York, NY 10007-1312

RE: *Essar Steel Algoma Inc. v. Southern Coal Sales Corporation*
Case No. 1:17-mc-00360-AT

Dear Judge Torres:

We are counsel for plaintiff Essar Steel Algoma, Inc. ("Algoma"). We write regarding Your Honor's order (dkt. 43) granting counsel for Defendant Southern Coal Sales Corporation's ("Southern Coal's") request for leave to withdraw as counsel (dkt. 35).

While Algoma did not oppose counsel's request to withdraw, Algoma continues to be concerned regarding the ongoing delay in the discovery process that has resulted from the withdrawal of counsel. At the time counsel requested to withdraw, the parties were in the middle of deposition discovery. For example, Algoma must still take the Fed. R. Civ. P. 30(b)(6) deposition of Southern Coal and the depositions of third parties Steve Sears, Cliff Huckleberry, Norfolk Southern, and Mineral Labs. Southern Coal will presumably want to reschedule the depositions of Algoma's officers, originally scheduled for the week of May 7. Discovery has been at a standstill for almost a month, since April 18, 2018.

Additionally, Southern Coal's deadline was May 10, 2018 to Answer or otherwise respond to Algoma's Amended Complaint (dkt. 39), but no Answer was filed – perhaps because Southern Coal is not represented by counsel. Without representation, similar issues will continue to arise.

With the 60-day extension Your Honor granted in the order, the discovery cutoff is now August 17, 2018, and there is significant deposition and third party discovery that remains. Indeed, there is a significant amount of work for both parties to do in the next two and a half months, most of which cannot begin until Southern Coal obtains new counsel.

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Therefore, Algoma respectfully requests that the Court impose a deadline – perhaps May 28 – by which Southern Coal must obtain new counsel so that discovery can proceed promptly in this matter. Thank you for your consideration.

Respectfully yours,

/s/ Kip T. Bollin

Kip T. Bollin

cc: Counsel of record, via ECF notice
Steve Ball, Esq. (via email)